

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A 54 615 PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/000329	International filing date (day/month/year) 17.01.2004	Priority date (day/month/year) 24.01.2003
International Patent Classification (IPC) or national classification and IPC B42F 13/26		
Applicant ESSELTE LEITZ GMBH & CO KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand 19-11-2004	Date of completion of this report 08-02-2005
Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000329

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 3-10 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 2 _____ received by this Authority on 22.11.04 with letter
- nos.* _____ received by this Authority on of 18.11.04
- ☒ the drawings:
- sheets 1/8-8/8 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000329

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-10

YES

Claims

NO

Inventive step (IS)

Claims 1-10

YES

Claims

NO

Industrial applicability (IA)

Claims 1-10

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

1. In this opinion reference is made to the following document:

D1: WO 01/81099 A (HORN HANS JOHANN; ESSELTE
LEITZ GMBH & CO KG (DE)) 1 November 2001
(2001-11-01)

2. INDEPENDENT CLAIM 1

- 2.1 D1 discloses (the references in parentheses relate to said document):

a ring binder mechanism with a housing (10) of C-shaped or U-shaped cross section and having sides (28) which can be flexibly bent open, with two carrier rails (20), which carrier rails on their facing longitudinal edges lie against each other forming a linkage axis (22) and with their away-facing longitudinal edges (24) engage in mounting grooves (26) in the housing sides (28), and with at least two half-rings (16) which are longitudinally spaced apart in a defined manner and are rigidly connected to the carrier rails (20) and which extend through openings (12) in a

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

housing wall (13) and pairwise form a ring (14), the carrier rails (20) being limitedly pivotable towards each other about the linkage axis (22), entraining the half-rings (16), between an open position and a closed position, overcoming a spring force produced by the bending-open of the housing sides (28), and there being provided at least two locking elements (32, 32') which are actuated by means of an actuator (18) and a tension member (44) (see fig. 1b) and which, in the closed position, protrude into a free space (34) formed between the carrier rail (20) and a housing wall (13), thus locking the pivot movement of the carrier rails (20), and which, in the open position, free the pivot path of the carrier rails (20) about the linkage axis (22), the locking elements (32, 32') being pre-tensioned in the closed direction under the action of a closing spring (36).

- 2.2 The problem addressed herein is that of providing a ring binder mechanism of simple design for a plurality of rings (designated 14 in the application) with few components.
- 2.3 The solution proposed here consists in the connection of a plurality of locking elements with a single tension member. There is nothing in the prior art to suggest this solution to a person skilled in the art.

An inventive step could, moreover, be acknowledged

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(PCT Article 33(3)).

3. DEPENDENT CLAIMS 2-10

Claims 2-10 are dependent on claim 1 and therefore likewise satisfy the PCT novelty and inventive step requirements.
